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ABSTRACT

The Ohio State plan for educating homeless children and youth responds to requirements of the Stewart B. McKinney Homeless Assistance Act of 1987. The plan is comprised of a foreword, six sections, and two appendices. The foreword reviews the history and provisions of the McKinney Act and summarizes Ohio's planned action for homeless education. The first section, "Federal Requirements," recapitulates the federal statute. The second section, "Definitions," elaborates on terms central to homeless education. The third section, "Ohio's School-Age Homeless Children and Youth," describes problems of data gathering, statistical analysis, and needs assessment for homeless children and youth. The fourth section, "Potential Educational Concerns for Ohio's Homeless Children and Youth," discusses the following issues in terms of federal statutes, state objectives, and Ohio codes: (1) residency; (2) program continuity and sensitivity; (3) transportation; and (4) records. The fifth section, "Long-Term Goals," affirms Ohio's commitment to educational opportunities for homeless students and urges increased federal funding to support their needs. The sixth section, "Time Lines," presents implementation dates by month for 1988 through 1990 for 30 state objectives. Appendix A is Subtitle B of the McKinney Act. Appendix B is Ohio's Revised Code for residency requirements. (AF)

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ED308269

STATE PLAN

for
THE EDUCATION OF

OHIO'S HOMELESS CHILDREN AND YOUTH

May 1, 1989 - September 30, 1990

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FOREWORD

The United States Congress passed the Stewart B. McKinney Homeless Assistance Act (P.L. 100-77) on July 22, 1987. This act was developed to provide a comprehensive federal law to deal with America's homeless.

The McKinney Act's provision for Education of Homeless Children and Youth is contained in Section 7 and prescribes that homeless school-age children have access to a free, appropriate public education which would be provided to the children of a resident of Ohio and is consistent with Ohio's school attendance laws. It further states that each state collect and report data on homeless school-age children and youth to the Secretary of Education.

The Ohio Department of Education will utilize the above information to develop a State Plan to identify any potential barriers that might prevent homeless children and youth from attending Ohio's public schools. This State Plan will serve to ensure that Ohio's homeless school-age children and youth shall have access to a free, appropriate public education. This document will communicate the responsibilities of the McKinney Act to school districts, homeless providers, and other interested parties.

The State of Ohio Plan for Education of Homeless Children and Youth will represent input from relevant advisory groups, local and state agencies, interest groups, school districts, experienced professionals, and representatives of the homeless.

This State Plan, which will be implemented over a two-year period, will be responsive to the constantly changing needs of homeless children and youth.

FEDERAL REQUIREMENTS

Statute

1. Each child of a homeless individual and homeless youth will have access to a free, appropriate public education which would be provided to children of the residents of the State and is consistent with State school attendance laws.

2. In any State that has a residency requirement as a component of its compulsory school attendance laws, the State will review and undertake steps to revise such laws to assure that children of homeless individuals and homeless youth are offered a free and appropriate public education.

3. The State will establish or designate an office of Coordinator of Education of Homeless Children and Youth to carry out functions as described in Section 722 (d) of the Act.

4. The State will develop, submit to the Secretary, and carry out a State plan as described in Section 722 (e) of the Act.

5. The State will gather data on the number and location of homeless children and youth in the State. Such data gathering will also include information on (a) the nature and extent of problems of access to, and placement of, homeless children and homeless youth in elementary and secondary schools, and (b) the difficulties in identifying the special needs of such children.

6. The State will prepare and submit to the Secretary an annual report of data gathered pursuant to paragraph (5) above.

DEFINITIONS

1. Homeless * An individual who:

   a. Lacks a fixed, regular and adequate residence, or
   b. Has a primary nighttime residence in a supervised publicly or privately operated shelter for temporary accommodations (including welfare hotels, congregate shelters, domestic violence centers), or
   c. Sleeps in a public or private place not ordinarily used as a regular sleeping accommodation for human beings (abandoned cars, vans, buses, buildings, vacant lots, parks), or
   d. Is out of necessity living with relatives or friends due to lack of housing or joblessness, or
   e. Is a runaway or throwaway child (under 18 years of age) who may temporarily reside in shelters awaiting assistance from a social service agency. "Throwaway" refers to children/youth who have been abandoned or forced out of the home by parents or other guardians, or
   f. Is a runaway or throwaway youth (between 18 and 21 years of age), who may still be eligible for educational services.

2. Child or Youth - Any person, who were he or she the child of residents of the state, would be entitled to a free, public education.

3. Other Representative (of the child or youth) Any person who temporarily or permanently is acting as the caretaker for the child/youth. This might include the parent(s), a relative, a shelter provider, a social worker, an older sibling, etc.

*** The term "homeless" or "homeless individual" does not include any individual imprisoned or otherwise detained by an Act of Congress or a State Law.**

4. Free, appropriate public education - The educational programs and services that are provided the children of a resident of a State, and that are consistent with State school attendance laws. It includes educational services for which the child meets the eligibility criteria, such as compensatory education programs for the disadvantaged, and educational programs for the handicapped and for students with limited English proficiency; programs in vocational education; programs for the gifted and talented; and school meals programs.

OHIO'S SCHOOL-AGE HOMELESS CHILDREN AND YOUTH

The Ohio Department of Education acquired data from surveys, on-site visits, and telephone contacts to ascertain how many Ohio children are homeless school-age children and youth. The statistics contained in this report should not be construed to be a scientific gathering of data. Some agencies or sites did not return the requested surveys, some numbers may represent possible duplication of numbers, and some potential homeless sites may have been inadvertently overlooked for homeless school-age children and youth information.

Data regarding Ohio's homeless school-age children and youth were collected from all types of areas: cities, suburbs, and rural areas. Ohio's homeless are not only a big-city problem.

Approximately 14,000 school-age homeless children and youth were identified during the fall of 1988 as being homeless during the previous twelve months. The data were compiled through surveys, on-site visits, and telephone contacts. Schools, shelters, homeless advocacy groups, parks, children services boards, and many private and public agencies contributed to help describe Ohio's homeless school-age children. An additional 5,935 homeless preschool-age children were also described during the fall 1988 count. Nearly all homeless children and youth identified were living in privately operated shelters (13,473.)

Identifying the statistics and special educational needs of homeless children and homeless youth proved to be difficult. The street homeless and the homeless living with friends and relatives account for only 249 of the identified 13,722 Ohio homeless school-age children. The street homeless do not readily identify themselves as being homeless if they attend school; therefore, this subgroup of the homeless population may not be well represented in the data. Not all surveyed sites responded to the survey. Schools and runaway shelters returned more than 90 percent of their surveys, 93 percent and 91 percent respectively. Children services boards returned 77 percent of their surveys. Emergency shelters' return rate was 74 percent while domestic violence shelters returned 69 percent of their surveys. Some shelters not receiving local, state, or federal funds were reluctant to participate in a data-collection process.

Akron, Cincinnati, Cleveland, Columbus, Dayton, and Toledo reported the largest concentrations of school-age children living in their municipalities. Approximately 2/3 of the requested surveys to these municipalities were returned with data to determine the above statement. Several of these cities are working closely with their regional/local homeless advocacy groups and their homeless shelter providers to better provide educational services.

Approximately 79 percent of all reported homeless school-age children were noted as attending school (10,847). There were a reported 2,875 school-age children not attending school. Almost all of the children not attending school were from domestic violence and runaway shelters. Shelter providers reported that children from domestic violence shelters were most often kept from school attendance for safety and confidential reasons to protect the location of the sheltered adult and accompanying children. Most domestic violence shelters reported a good working relationship with their local school systems. Runaway shelter providers reported that most of their nonattending students were due to truancy, dropouts, suspension, expulsion, and/or graduates. Runaway shelter students attended their last permanent school if at all possible. Transportation at times may be a problem when long distances become involved. Runaway shelters reported they were providing transportation or transportation money for nonlocal school attendance. Many shelter providers stated that some homeless parents are reluctant to enroll children since the parents "view" their homelessness as a very short-term problem. Almost all shelters report they require students to enroll and to attend school if they partake of their shelter's services.

Frequent moves by homeless families and or homeless youth cause transportation problems with unannounced moves of living arrangements. Going from one shelter to another with a stopover at a friend's or relative's home appears to be common for a homeless family. Other transportation problems may exist if a parent wants his/her child to attend the last school of attendance and that school is out of the immediate area where current temporary shelter is maintained. Many shelter providers have stated that school districts have worked with them to provide a good viable process for school enrollment. The Ohio Department of Education is unaware of any children at this time being denied enrollment in school.

Special needs for the education of homeless children and youth are diverse. Sensitivity training for school personnel to be better prepared to work with homeless students is stressed heavily by shelter providers. Public communication of school admission procedures and a local LEA contact person would better provide for enrollment practices and hopefully increase the number of homeless students attending school. Additional funds are needed to help provide optional educational services for homeless students, i.e., in-house educational programs for domestic violence shelters, additional counseling for homeless students, extra tutorial services to remediate students due to missed school attendance, etc. Additional funds could also be used to create better transportation for homeless students to attend their previously attended school if that placement is deemed most appropriate. All areas of health services are a special need for homeless students. Birth certificates, medical and dental examinations, and up-to-date immunizations are especially needed by homeless students.

POTENTIAL EDUCATIONAL CONCERNS FOR OHIO'S HOMELESS CHILDREN AND YOUTH

Five potential areas of concern for Ohio's homeless school-age children and youth have been identified. The five areas are: residency requirement; program continuity and sensitivity; transportation; records; and public consciousness.

Many shelter providers and homeless advocacy groups have a good cooperative relationship with their local school systems for admitting homeless school-age children and youth.

The overall objective of the Ohio Department of Education is to ensure that each homeless child and homeless youth shall have access to a free, appropriate public education. Each potential educational concern as identified in the State Plan contains the existing/proposed objective to remove said potential concern.

I. RESIDENCY

FEDERAL STATUTE - P.L. 100-77, Subtitle B, Section 721

It is the policy of the Congress that-

(1) each State educational agency shall assure that each child of a homeless individual and each homeless youth have access to a free, appropriate public education which would be provided to the children of a resident of a State and is consistent with the State school attendance laws; and

(2) in any State that has a residency requirement as a component of its compulsory school attendance laws, the State will review and undertake steps to revise such laws to assure that the children of homeless individuals and homeless youth are afforded a free and appropriate public education.

FEDERAL STATUTE - P.L. 100-77, Subtitle B, Section 722

(1) Each State shall adopt a plan to provide for the education of each homeless child or homeless youth within the State which will contain provisions designed to -

(A) authorize the State educational agency, the local educational agency, the parent or guardian of the homeless child, the homeless youth, or the applicable social worker to make the determinations required under this section; and

(B) provide procedures for the resolution of disputes regarding the educational placement of homeless children

(3) The local educational agency of each homeless child or youth shall either -

(A) continue the child's or youth's education in the school district of origin for the remainder of the school year; or

(B) enroll the child or youth in the school district where the child or youth is actually living; whichever is in the child's best interest or the youth's best interest.

Objective - Ohio shall address and determine school of residence for homeless children and youth.

OHIO REVISED CODE

3313.48 Free education to be provided

The board of education of each city, exempted village, local, and joint vocational school district shall provide for the free education of the youth of school age within the district under its jurisdiction . . . .

3313.64 Definitions; residency for attendance purposes

(B) A child who is at least five but under twenty-two years of age shall be admitted to school ....

(1) A child shall be admitted to the schools of the school district in which his parent resides.

(J) In the event of a disagreement, the superintendent of public instruction shall determine the school district in which the parent resides. (Appendix B)

3321.02 Who amenable to compulsory education laws

Every child actually resident in the state shall be amenable to the laws relating to compulsory education .....

3321.04 Compulsory attendance

Every parent, guardian, or other person having charge of any child of compulsory school age who is not employed under an age and schooling certificate and who has not been determined to be incapable of profiting substantially by further instruction, must send such child to a school, which conforms to the minimum standards prescribed by the state board of education ....

II. PROGRAM CONTINUITY AND SENSITIVITY

FEDERAL STATUTE - P.L. 100-77. Subtitle B, Section 722

(e) (5) Each homeless child shall be provided services comparable to services offered to other students ..... including educational services for which the child meets the eligibility criteria, such as compensatory educational programs for the disadvantaged, and educational programs for the handicapped and for students with limited English proficiency; programs in vocational education; programs for the gifted and talented; and school meals programs.

Objective - Provide the best possible continuum of services to our homeless students which will foster an educated citizenry.

III. TRANSPORTATION

FEDERAL STATUTE - P.L. 100-77, Subtitle B, Section 722

(e) (5) Each homeless child shall be provided services comparable to services offered to other students.....

Objective - Provide transportation for homeless students which is comparable to services offered to other students.

OHIO REVISED CODE

3327.01 Transportation of pupils

In all city, exempted village, and local school districts where resident school pupils in grades kindergarten through eight live more than two miles from the school.... which they attend the board of education shall provide transportation for such pupils to and from such school except when, in the judgement of such board, confirmed by the state board of education, such transportation is unnecessary or unreasonable.

IV. RECORDS

FEDERAL STATUTE - P.L. 100-77, Subtitle B, Section 722

(e) (6) The school records of each homeless child or youth shall be maintained -
(A) so that the records are available, in a timely fashion, when a child enters a new school district....

Objective - Promote the elimination of unnecessary delays in enrollment due to student records requirements.

Ohio Text

44.13 Required student records

Each school must keep records detailing the names of all enrolled pupils, the studies pursued, the character of the work done, and the standing of each pupil. The district must also keep records of the place of residence of each student under the age of eighteen in attendance at the school so that the principal or teachers in charge of the school can report such information annually to the treasurer of the school board.

44.15 Administrative use of student records

(B) Consent

Neither state nor federal law requires consent for or prevents the transfer of student records to an educational institution for a legitimate educational purpose. Federal law, however, limits this exception to transfers to schools or school systems to which the student seeks or intends to enroll.

V. PUBLIC CONSCIOUSNESS

FEDERAL STATUTE - P.L. 100-77, Subtitle B, Section 722

(d) Functions of THE OFFICE OF COORDINATOR-
The Coordinator of Education of Homeless Children and Youth established in each State shall-

(1) gather data on the number and location of homeless children and youth in the State, and such data gathering shall include the nature and extent of problems of access to, and placement of, homeless children and homeless youth in elementary and secondary schools, and the difficulties in identifying the special needs of such children.

Objective - To provide data and information to increase awareness of effects and current issues regarding homeless school-age children and youth.

LONG-TERM GOALS

The Ohio Department of Education will continue to work closely with homeless providers and school systems to provide educational opportunities for homeless school-age children and youth. The Ohio Department of Education will be receptive to suggestions for change and improvement in its overall State Plan and future administrative guidelines. The Ohio Department of Education encourages the United States Congress to make available additional funds for meeting the continuing needs of homeless children.

TIME LINE

1988	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Project Application	x											
Project Approval		x										
Coordinator employed						x						
Search for existing data						x-	-	-	-	-	-	-x
Project presentations						x-	-	-	-	-	-	-x
Survey development						x-	-	-	-x			
Survey mailed									x			
Survey due										x		
Reminder survey											x	
Reminder survey due												x
Survey Summarization									x-	-	-	-x
Status Report												x
State Plan draft										x-	-	-
Technical Assistance						x-	-	-	-	-	-	-x
1989												
State Plan draft	-	-	-x									
State Plan Committee Mtg.	x											
State Plan Distribution		x										
Status Report												
Narrative Distribution		x										
State Plan Hearings			x-	-	-x							
State Plan and												
Budget to USDE				x								
Technical Assistance	x-	-	-	-	-	-	-	-	-	-	-	-x
Annual Survey								x				
Status Report												x
Evaluation of State Plan				x-	-	-	-	-	-	-	-	-x
1990												
Evaluation of State Plan	x-	-	-	-	-	-	-	-	-	-	-	-x
Technical Assistance	x-	-	-	-	-	-	-	-	-	-	-	-x
Revised State Plan												
and Budget		x-	-	-	-x							
Distribution of State Plan			x									
Annual Survey								x				
Status Report												x

A P P E N D I C E S

APPENDIX A - PUBLIC LAW 100-77, SECTION VII B

SUBTITLE B-EDUCATION FOR HOMELESS CHILDREN AND YOUTH

Sec. 721 Statement of Policy

It is the policy of the Congress that-

(1) each State educational agency shall assure that each child of a homeless individual and each homeless youth have access to a free, appropriate public education which would be provided to the children of a resident of a State and is consistent with the State school attendance laws; and

(2) in any State that has a residency requirement as a component of its compulsory school attendance laws, the State will review and undertake steps to revise such laws to assure that the children of homeless individuals and homeless youth are afforded a free and appropriate public education.

Sec. 722 Grants for State Activities For The Education of Homeless Children And Youth

(a) General Authority- The Secretary of Education is, in accordance with the provisions of this section, authorized to make grants to States to carry out the activities described in subsections (c), (d), and (e).

(b) Allocation- From the amounts appropriated for each fiscal year pursuant to subsection (g), the Secretary shall allot to each State an amount which bears the same ratio to the amount appropriated in each such year as the amount allocated under section 111 of the Elementary and Secondary Education Act of 1965 (as incorporated by reference in chapter 1 of the Education Consolidation and Improvement Act of 1981) to the local educational agencies in the State in that year bears to the total amount allocated to such agencies in all States, except that no State shall receive less than $50,000 in any fiscal year.

(c) Authorized Activities- Grants under this section shall be used-

(1) to carry out the policies set forth in section 721 in the State:

(2) to establish or designate an Office of Coordinator of Education of Homeless Children and Youth in accordance with subsection (d); and

(3) to prepare and carry out the State plan described in subsection (e).

(d) Functions of The Office of Coordinator- The Coordinator of Education of Homeless Children and Youth established in each State shall-

(1) gather data on the number and location of homeless children and youth in the State, and such data gathering shall include the nature and extent of problems of access to, and placement of, homeless children and homeless youth in elementary and secondary schools, and the difficulties in identifying the special needs of such children:

(2) develop and carry out the State plan described in subsection (e); and

(3) prepare and submit to the Secretary and interim report not later than December 31, 1987, and a final report not later than December 31, 1988, on the data gathered pursuant to paragraph (1).

To the extent that reliable current data is available in the State, each coordinator described in this subsection may use such data to fulfill the requirements of paragraph (1).

(e) State Plan-

(1) Each State shall adopt a plan to provide for the education of each homeless child or homeless youth within the State which will contain provisions designed to-

(A) authorize the State educational agency, the educational agency, the parent or guardian of the homeless child, the homeless youth, or the applicable social worker to make the determinations required under this section; and

(B) provide procedures for the resolution of disputes regarding the educational placement of homeless children and youth.

(2) Each plan adopted under this subsection shall assure, to the extent practicable under requirements relating to education established by State law, that local educational agencies within the State will comply with the requirement of paragraphs (3) through (6).

(3) The local educational agency of each homeless child or youth shall either-

(A) continue the child's or youth's education in the school district of origin for the remainder of the school year; or

(B) enroll the child or youth in the school district where the child or youth is actually living; whichever is in the child's best interest or the youth's best interest.

(4) The choice regarding placement shall be made regardless of whether the child or youth is living with the homeless parents or has been temporarily placed elsewhere by the parents.

(5) Each homeless child shall be provided services comparable to services offered to other students in the school selected according to the provisions of paragraph (3), including educational services for which the child meets the eligibility criteria, such as compensatory educational programs for the disadvantaged, and educational programs for the handicapped and for students with limited English proficiency; programs in vocational education; programs for the gifted and talented; and school meals programs.

(6) The school records of each homeless child or youth shall be maintained-

(A) so that the records are available, in a timely fashion, when a child or youth enters a new school district: and

(B) in a manner consistent with section 438 of the General Education Provisions Act.

(f) Application- No State may receive a grant under this section unless the State educational agency submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

(g) Authorization of Appropriations-

(1) There are authorized to be appropriated $5,000,000 for each of the fiscal years 1987 and 1988 to carry out the provisions of this section.

(2) Sums appropriated in each fiscal year shall remain available for the succeeding fiscal year.

APPENDIX B - OHIO REVISED CODE

RESIDENCY REQUIREMENT

Juvenile Court

2151.06 Residence of legal settlement

.... a child has the same residence or legal settlement as his parents, legal guardian of his person, or his custodian who stands in relation of loco parentis.

Education

3313.64 Definitions; residency for attendance purposes

16 App (2d) 164, 243 NE(2d) 111 (1968), In re Laricchiuta. A child becomes a "school resident" in a school district as soon as he begins to reside therein as the child or ward of a resident, no specific period of residence being required by 3313.64 to entitle him to free schooling in such district.

82 Abs 259, 163 NE(2d) 86, (Juv, Preble 1959), In re Sheard. For school attendance puproses a child becomes a resident in a school district as soon as he acquires any kind of home in that district, whether or not that particular home is permanent or temporary in nature, and whether or not schools are in session at the time he acquires such home.

109 App 344, 165 NE(2d) 807, (1959), Bd of Ed of Oakwood v Dille. The parent of a child attending school in a local school district who is physically present and living in a residence located within such district during significant parts of each day and for important purposes consistent with residence, is an "actual resident" of such district and is not liable for the payment of tuition merely because he may have another residence outside the school district.

1961 OAG 2044. Where the legal residence of the parents of a child placed in a children's home cannot be determined, the school residence of such child is that of the district in which the child was found.

OAG 83-041. Pursuant to RC 3313.64 (B) (1), a child shall be admitted to the schools of the school district in which his parent resides.

1927 OAG 106. A child who resides permanently in the home of an actual resident of a school district and to which child such actual resident stands in loco parentis may attend the public schools of such district without paying tuition, even though the parents of such child reside outside the district.